

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Jesus Antonio Magallon
A202 001 961 YOB: 1989
Jose Maria Diaz-Mejia
A205 475 293 YOB: 1986

Principal
United States United States District Court
Co-Principal Southern District of Texas
Honduras FILED

Case Number:

M-14- 1372 -M

JUL 18 2014

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 16, 2014 in Hidalgo County, in the Southern District of Texas defendants(s) did,

(Track Statutory Language of Offense)
knowing or in reckless disregard of the fact that Hugo Alberto Hernandez-Serrato, citizen and national of the United Mexican States, and Maria Del Carmen Castro, citizen and national of Honduras, along with nine (9) other undocumented aliens, for a total of eleven (11), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in McAllen, Texas to the point of arrest in McAllen, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On February 11, 2014, May 5, 2014, and May 29, 2014, the RGV FIST Team apprehended smuggling cases originating from, or affiliated with, 811 Diplomat in Pharr, Texas. The FIST agents believe this residence to be a command point for human smuggling activities.

On July 16, 2014, agents witnessed a black Chevrolet Tahoe and a red Chevrolet Blazer leave 811 Diplomat, travelling in tandem, and take a route of travel that agents noticed was similar to previous cases stemming from this location. Agent Carpio and Agent Almaguer, travelling in different vehicles, continued to conduct surveillance on the two vehicles as the vehicles navigated their way through Pharr and McAllen.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

Yes No

*Approve for f6:
J. Vilchez
Aug 8/14
7-18-14*

Leticia Hernandez
Signature of Complainant

Frediberto Hernandez Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 18, 2014

Date

Dorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

at McAllen, Texas

City and State

Dorina Ramos
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-14- 1372-M

**RE: Jesus Antonio Magallon
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At one point, the agents lost visual of the two vehicles, as the two vehicles made numerous turns in an effort to conduct counter surveillance. When agents caught up to where they had last seen the vehicles, they saw the black Tahoe parked on the corner of Ware Rd and Military Hwy, which is 1/8th mile west of the McAllen Border Patrol Station. Agent Farias drove passed the black Tahoe and observed the driver, later identified as Jesus Antonio MAGALLON, using his cell phone.

Agent Almaguer located the red Blazer at a stop light at Military Hwy and 23rd St. The vehicle appeared to be very heavily laden. Before the light turned green, MAGALLON arrived in the black Tahoe and overtly positioned his vehicle behind the red Blazer in an effort to conceal the fact the Blazer was riding so low to the ground. This intersection is also very close to the McAllen Border Patrol Station, and smugglers who choose to operate in this area need to be careful to conceal themselves as much as possible due the possibility of being seen by a passing agent.

The vehicles travelled north on 10th St and made the transition on to El Rancho Rd, south of Expressway 83. As the vehicles approached McColl Rd on El Rancho Rd, both of them came to a stop and everyone bailed out. Thirteen people were apprehended at the scene.

Agents interviewed all 13 subjects. Twelve people admitted to being illegally in the United States, and MAGALLON claimed to be a United States Citizen.

All subjects were transported to the McAllen Border Patrol Station and read their rights. Through interviews, Jesus Antonio MAGALLON and Jose Maria DIAZ-Mejia were identified as the drivers of the two vehicles agents had been watching.

PRINCIPLE STATEMENTS:

Both Principles were read their rights. Both agreed to provide a statement without the presence of an attorney.

1. Jesus Antonio MAGALLON stated that he is known as "El Gordo". MAGALLON told agents he has been involved in alien smuggling activities since April. His primary duties are to act as a look-out for Border Patrol and police, in order to ensure the undocumented aliens arrive at a location known to him as the Mudpit. According to MAGALLON, the Mudpit is an area south on McColl road. He stated he has scouted this route of travel 20-25 times previously. MAGALLON stated everything is provided by a man known to him as Nacho, including the scout vehicle, load vehicle, cell phones, and payment for jobs. MAGALLON told agents Nacho pays him \$200 to guide the load vehicle.

Regarding the current smuggling event, MAGALLON stated Nacho called him on his cell phone and gave him instructions to pick up a man known to him as "El Catracho" and take him to Nacho's house to pick up the red Blazer.

NOTE: MAGALLON identified Jose Maria DIAZ-Mejia, AKA "El Catracho", in a photo lineup as the man he picked up and dropped off with the red Blazer. He also identified DIAZ as the man with whom he was in contact via cell phone, instructing DIAZ where to go, and whether or not law enforcement was present.